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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	AMENDMENT AND RESPONSE TO PAPER NO. 6
AKBARIAN ET AL.)	MAILED 05/09/02
)	
Serial No.: 09/620,892)	
)	
Filing Date: July 21, 2000)	Date Mailed: <u>September 9, 2002</u>
)	
Attorney Docket No.: CLX-501)	
(316.36))	
)	
Title: DRY-CLEANING)	
PROCESSES AND)	Examiner: KUMAR, Preeti.
COMPONENTS THEREFOR)	
)	
)	Group Art Unit: 1751
)	

Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDMENT AND RESPONSE TO PAPER NO. 6 MAILED 05/09/02

Dear Sir,

Applicants are in receipt of Paper No. 6 mailed 05/09/02. Thank you for your continued expedient examination of the present Application.

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SUMMARY OF RESPONSE

Claims Status

Claims 1-58 are pending.

Claims 10-32 are withdrawn from consideration

Claims 1-19 and 33-58 are rejected.

Claims 1-58 are subject to restriction and/or election requirement.

Detailed Action

1. The examiner states: " Claims 1-58 are pending."

ELECTION/RESTRICTIONS

2. The examiner states: " Restriction to one of the following inventions is required under 35 U.S.C. 121: 1. Claims 1-9 and 33-58, drawn to a process/system for dry-cleaning a textile article, classified in class 8, subclass 116.1. II. Claims 10-32, drawn to a fluid pre-treatment composition, classified in class 510, subclass 287. "
3. The examiner states: " Inventions I and II are related as product and process of use. The invention can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the fluid pretreatment composition of Group II, can be used in a materially different process such as in cleaning hard surfaces."
4. The examiner states: " Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for

examination purposes as indicated is proper.”

5. The examiner states: “ During a telephone conversation with Mr. Ray Shahani on April 9, 2002 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-9 and 33-58. Affirmation of this election must be made by the Applicants in replying to this Office Action. Claims 10-32 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to non-elected invention.”

CLAIM OBJECTIONS - INFORMALITIES

6. The examiner states: “ Claim 54 is objected to because of the following informalities: Regarding claim 54, it appears that this claim is a repetition of claim 43 and need not be including or examined as a separate claim. Appropriate corrections are required.”

CLAIM REJECTIONS - 35 USC § 112

7. The examiner states: “ Claims 40 and 41 are rejected under 35 U.S.C. 112, second paragraph , as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Regarding claim 40, the phrase “and the like” renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by “and the like”), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Regarding claims 40 and 41, the term “essentially” is relative term which renders the claim indefinite. The term “essentially” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.”

CLAIM REJECTIONS - 325 USC § 103

8. The examiner states: " Claims 1-9, 33-36, 38-42 and 46-58 are rejected under 35 U.S.C. 102(b) as being anticipated by You et al. (WO 97/27354). You et al. teach a fabric cleaning/refreshment process is conducted in a hot air clothes dryer using a vapor-releasing containment bag. The bag is constructed using heat-resistant polymers to avoid unanticipated hot spots in the dryer. The bag retains its integrity and can be reused in subsequent dry cleaning operations. Vapor is vented from the bag during use, thereby minimizing wrinkling in the clothes being cleaned and removing malodors therefrom. See abstract. You et al teach a vapor-venting containment bag which has a VVE (Vapor Venting Evaluation) rating of at least about 40, more preferably about 60-80, with about 70 being close to the optimum for the envelope bag. See pg. 3, 2nd paragraph. In example II on page 46, You et al. illustrate a process of using the fenestrated venting containment bag. You et al. teach a flat sheet of perforated flexible nylon polymer with a patch of Velcro type fastener assembly with perforations comprising a series of 6 pairs of circular holes each having a diameter of about 2mm punched into each of the two sidewalls. See pg. 46, ex. II, 1st paragraph. You et al. teach that a sheet substrate is placed in the perforated bag having a volume of about 25, 000cm³. You et al. teach that the preferred usage ranges will result in the use of bags having varying degrees of vapor release and that it is preferred to use about 6 pairs of 2mm hole or up to 15 pairs of 5mm diameters holes. See pg. 46, ex. II, 2nd paragraph. In example I, on page 45, You et al. teach a dry cleaning article in sheet form for use in combination with the vapor-venting bag. A non-linting carrier sheet is prepared with external surfaces of the sheet being damp but not tacky to the touch. See pg. 45, ex. I. On pg. 42, You et al. teach that the hydrophobic character of the fibers used to manufacture such nonwoven or woven fibrous coversheets helps reduce the chances of water spotting the during the dry-clean/spot-cleaning process. You et al teach a process for cleaning/refreshing fabrics in a mechanical apparatus by placing said fabrics in a containment bag together with a cleaning/refreshment composition and operating said apparatus with heating, whereby employing a bag which provides venting of water

vapors from the bag to release malodors and minimize wrinkling and fabric shrinkage. See pg. 60, claim 12 and pg. 44, item #8. You et al. also specifically teach a kit for cleaning fabrics containing a carrier which releasably contains water and optional non-water fabric cleaning ingredients and a vapor permeable containment bag. See pg. 60, claim 15 and pg. 47, example III. Specifically regarding claims 2-4 and 55, 57-58, You et al. teach a spot removal (pre-spotting) composition comprising 1% water and BPP solvent. See pg. 21-22 and pg. 48 ex V. The pretreatment step comprises treating the spots individually with conventional spot removers using conventional implements such as brushes, sponges and the like, or to surge into the fabric, a portion of the liquid cleaning/refreshment composition thereby effecting localized stain removal. The fabric and the cleaning/refreshment article are then placed in the vapor-venting containment bag herein and treated in the dryer. See ex. V (pg.48) and XI (pg. 54) and pg. 6, items A and B. Specifically regarding claims 40-42 and 56, You et al. teach that the stain removal medium should be substantially free of emulsifiers, anti-static agents, inorganic builder salts and surfactant levels should be about 0.1% to about 0.7%. See pf. 19, 2nd-3rd paragraphs. Accordingly, the broad teachings of You et al. are sufficient to anticipate the material limitations of the instant claims.”

9. The examiner states: “ Claims 37, 43-45, and 54, are rejected under 35 U.S.C. 103(a) as being unpatentable over You et al. (WO 97/27354). You et al. do not specifically teach the use of a coform material as the absorbent stain removal medium, the required proportion of activator cloth and the other requisite components of the composition in the specific proportion as recited by the instant claims. Regarding claim 37, You et al. teach that the absorbent stain receiver article can be manufactured using procedures known in the art for manufacturing nonwoven, thermally bonded air laid structures comprising laying down a web of absorbent fibers. The preferred fibers can be polyethylene, polypropylene bicomponents used in constructing the

absorbent stain receiver article. See pg. 30, 2nd paragraph and pg. 31, 4th paragraph. Regarding claims 43-45 and 54, You et al. teach that the carrier is intended to contain a sufficient amount of the cleaning/refreshment compositions to be effective for their intended purpose and illustrate that a typical single use polyester sheet will have a weight in the range from about 30 g/m² to about 100 g/m². And You et al. teach that the capacity of the carrier for the activator solution will vary according to the intended usage. See pg. 19, 2nd and 3rd paragraphs. It would have been nonetheless obvious, to one of ordinary skill in the art, at the time the invention was made, to use coform material as the absorbent stain removal medium, since the broad teachings of You et al. teach use of polyethylene, polypropylene bicomponents in constructing the absorbent stain receiver article. Also, it would have been nonetheless obvious, to one of ordinary skill in the art, at the time the invention was made, to arrive at the required proportion of activator solution contained in the activator cloth, since You et al. teach that the capacity of the carrier for the activator solution will vary according to the intended usage."

CONCLUSION

10. The examiner states: "The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure. The specific references Weller et al. (US 5,908,473), Davis et al. (US 5,681,355), Storey et al. (4,784,892), and Telesca et al (GB 2,302,553) are cited but not relied upon because the examiner considers them to be cumulative to and equally as pertinent as the reference relied upon."

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